

~~SECRET~~
SECURITY INFORMATION

C O P Y

OGC Has Reviewed

DRAFT
OGC/GHK:est
12 October 1953

Examination of preliminary responses to the subject questionnaire suggests various considerations of a legal nature upon which the Office of General Counsel might profitably have been consulted in initial development of the project as a whole and kept more closely informed after the project was placed in operation. The value of such consultation lies in bringing to the attention of project case officers, directing the business and intelligence affairs of commercial proprietaries, problems having direct or indirect legal connotations which might otherwise be overlooked or inadequately considered. Although in some instances the Office of General Counsel is not able to indicate specific answers to questions of foreign law, in most cases the suggestion of the problem carries a clue to solution and advance notice will enable the Office of General Counsel itself to provide the desired information where sources are available or, where indigenous counsel must be consulted, to evaluate the advice rendered in relation to headquarters planning.

The Office of General Counsel has, of course, no facility for determining the manner in which advice rendered has been followed. The same situation prevails in the private practice of law where a client ignores or acts contrary to the advice of his counsel. In this Agency, the burden falls in most instances upon project case officers. Potential gain from careful consideration of legal questions may include, in part, greater operational security, greater

~~SECRET~~
SECURITY INFORMATION

agent control and greater likelihood of safeguarding Agency interests and investments.

In the replies examined to date, one feature deserves special mention. Agreements, verbal and written, have of necessity been made on frequent occasions in the field. In some instances the instruments of agreement themselves or memoranda confirming them have been retained in the field station without a copy being furnished the Headquarters case officer. The Office of General Counsel in many cases has no knowledge of even the existence of such instruments. It is believed that examination of many of these from a legal viewpoint might prove fruitful, particularly where they involve commitments to persons or organizations outside of the Agency, in assessing the extent and scope of resulting obligations upon the Agency and their relation to current operational planning. Recent regulatory revisions have tightened requirements for providing Headquarters with at least copies of written commitments, but where these commitments antedate these regulatory issuances or are negotiated by persons unfamiliar with their content, adequate information of their existence may still not reach Headquarters.